

MAY 08 2007

REMARKS

Claim 14 is amended. Claims 1-7, 9-12 and 14, as amended, remain in the application. No new matter is added by the amendments to the claims.

The Rejections:

In the Office Action dated February 9, 2007, the Examiner rejected Claims 1-7, 9-12 and 14 under 35 U.S.C. 103(a) as being unpatentable over Chida et al (EP 1,148,018) in view of Hossler (US 200310094333) and Aker (5,511,633).

Regarding Claim 1, the Examiner stated that Chida discloses an elevator drive brake element (41) rotatable between a brake reset and brake released position, a handle (18a) attached to the brake element for rotation between the locked and unlocked positions, thereby placing the brake in the reset and released positions, respectively, and a means (46) for automatically locking said drive brake element, and thereby said handle, from rotating to said released position. The Examiner commented, however, Chida is silent regarding his locking means having a recess for receiving their handle as well as a safety switch contact engaged by their handle.

The Examiner directed attention to Hossler who teaches his handle (41) as rotatable between said brake reset and released positions and a selectively operated locking means (150, Fig. 2) for maintaining said handle in a locked and, thereby, said brake reset position, and his locking means is "... a commercially available keyed plunger lock... to ensure that the handle cannot be moved out of the locked position" (Page 2, Para. 0018). The Examiner commented, however, Hossler is silent regarding a safety switch contact.

The Examiner stated that Aker teaches his switch contact (3a, Fig. 2) actuated by engagement of his handle (1, Fig. 4, Col. 3, Lines 4 - 14) to interrupt the circuit to his drive for safety as well as a locking means to prevent unauthorized removal of the handle (Col.3, Line 26). The Examiner further stated that in that locking systems providing both automatic and selective engagement are well-known to industry and are commercially available, it would have been obvious to one of ordinary skill in the art to modify the reference of Chida with the teachings of Hossler and Aker to provide a commercially available locking system offering either automatic or selective engagement with a brake handle, for the benefits of restricting its use to authorized

personnel by means of commercially available locking means, thereby minimizing overall costs while ensuring user friendliness, as well as a switch contact for actuation by the handle to provide an interlock for control feedback and safety.

Regarding Claims 2-7, 9-12 and 14, the Examiner stated that Hossler discloses said handle with a latch receiving aperture (42) and said locking means having a latching plunger (151) for releasably engaging said latch receiving aperture when said handle is in said locked position. According to the Examiner, whereas Chida discloses a removable handle having an elongated arm and seated in their brake element, Hossler teaches his handle having an elongated arm and affixed to his brake element (Fig. 1). The Examiner stated that Hossler teaches an elongated arm having a leading edge (Fig. 2) capable of actuating said latching plunger, in keeping with said "... commercially available keyed plunger lock..." said arm having a rounded contour for actuating said latching plunger. The Examiner commented that Hossler is silent as to whether his locking means automatically locks his handle upon engagement of said locking means by said handle. According to the Examiner, in that commercially available, keyed locking systems provide both automatic and selective engagement, are known to the art, it would have been obvious to one of ordinary skill in the art to modify the reference of Chida with the teaching of Hossler to provide a common, keyed locking system for restricting access to authorized parties.

#### **The Response:**

The Examiner objected to Claim 14 because of the following informalities: the limitation "... said latching plunger being positioned between said handle in said reset position and said safety switch contact" is preferably written as "... said latching plunger being positioned between said handle and said safety switch contact, when said handle is in said reset position." Applicant amended Claim 14 accordingly.

Each of Applicant's independent Claims 1, 9 and 14 recite "said locking means including a recess for receiving said handle and a safety switch contact mounted in said recess". The Examiner commented that Chida is silent regarding his locking means having a recess for receiving the handle as well as a safety switch contact engaged by their handle. The Examiner

cited Hossler for teaching a selectively operated locking means 150 for maintaining a handle 41 in a locked position. The Examiner cited Aker for teaching a switch contact 3a actuated by engagement with a handle 1.

However, the Examiner failed to address the claim limitation that the locking means includes a recess for receiving the handle and a safety switch contact mounted in the recess. Neither Hossler nor Aker shows or suggests such a locking means.

Applicant's independent Claim 14 recites "said latching plunger being positioned between said handle and said safety switch contact, when said handle is in said reset position." The Examiner also failed to address this claim limitation in his comments.

None of the cited references shows or suggests "said locking means including a recess for receiving said handle and a safety switch contact mounted in said recess and actuated by engagement with said handle in said locked position" as recited in Applicant's Claims 1 and 9, or "said latching plunger being positioned between said handle and said safety switch contact, when said handle is in said reset position" as recited in Applicant's Claim 14.

The Examiner stated that the prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The Examiner cited Aulanko et al. (5,971,109) and Helmle (6,892,862) for reference of "...a detector (71) ... which... can be connected to the elevator control system" (Col. 3, Line 29), whereby the undefined detector can be interpreted to be a switching contact as known in the art, to confirm the status of the position of the handle, and an elevator drive brake element (23) rotatable between a brake reset position and a brake released position, in combination with a handle (25) attached to said brake element for moving between a locked and unlocked position as well as a locking means (24), respectively. Applicant reviewed these references and found them to be no more pertinent than the prior art relied upon by the Examiner in the rejections.

In view of the amendments to the claims and the above arguments, Applicant believes that the claims of record now define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.